HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23365 of 2007

Date: 06-11-2007.

Between :

M/s.Hindusthan Zinc Limited, Visakhapatnam,
Rep. by its Senior Manager-Finance.

.....Petitioner

And

The Assistant Commissioner (CT) LTU,
Visakhapatnam Division, Visakhapatnam & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23365 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties.

The petitioner seeks transfer of an appeal from the Visakhapatnam Bench to Hyderabad Bench of Sales Tax Appellate Tribunal. He states that earlier the appeal was heard by a Bench at Hyderabad, but as there was difference of opinion between two members, the Chairman ordered in terms of Rules that the matter be referred to the Full Bench as and when it was constituted. Subsequent to this order, the matter appears to have been transferred to the Visakhapatnam Bench on constitution of an Additional Bench at Visakhapatnam. The counsel for petitioner submits that the matter needs to be heard by three members and three members of the Tribunal are not available at Visakhapatnam, therefore, the matter be transferred to Hyderabad, where the Full Bench is available, so that the matter could be decided. He submits that the Chairman has no power to transfer a

case from one Bench to another. The learned Government Pleader also accepts that a Full Bench is not available at Visakhapatnam and the matter cannot be heard at present at Visakhapatnam.

In this view of the matter, after hearing learned counsel for the parties, we feel that the writ petition can be disposed of at this stage, directing transfer of Appeal in T.A.No.785 of 1999 from the Additional Bench of Sales Tax Appellate Tribunal, Visakhapatnam to the Bench at Hyderabad for disposal according to law.

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BILAL NAZKI, J

6th November 2007.

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RAMESH RANGANATHAN, J

ajr